

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

BALBIR SINGH**Petitioner,****v.****JEFF SESSIONS, et al.,****Respondents.**

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Case No.: 4:17-cv-01793-RDP-JHE

ORDER

On December 4, 2017, the Government filed a response to the court's Show Cause Order (Doc. # 3), seeking dismissal of Petitioner's 28 U.S.C. § 2241 petition. (Doc. # 6). The purpose of this Order is to notify Petitioner that his petition will be treated by the court as ripe for summary dismissal and that petitioner has a right to file affidavits and other materials to show why the petition should not be summarily denied or dismissed on the basis of the Government's response.


To the extent the Government seeks summary dismissal of the petition, Petitioner may respond with counter-affidavits or documents to set forth specific facts showing that there is a genuine issue of material fact to be decided. Petitioner may not rely on mere allegations in his pleadings to counter the Government's response. If Petitioner does not provide the court with counter-affidavits or documents showing a genuine issue of material fact, the court may declare that the facts in the affidavit provided by the Government (Doc. # 7-1) are established as true and there is no genuine issue of material fact in dispute. In that event, if applicable law allows, the

Government will be entitled to a judgment entered in its favor. The granting of summary dismissal is a final adjudication with prejudice on the merits.

Petitioner shall have **twenty-one (21) days** from the date of this Order to respond and supply any additional evidentiary materials or legal arguments he may wish to offer regarding whether his petition is subject to summary dismissal. Thereafter, the petition will be taken under advisement by the court.

The Clerk of Court is **DIRECTED** to send a copy of this Order to Petitioner at his address of record.

DONE and **ORDERED** this December 6, 2017.


R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE